

**UNITED STATES DISTRICT FOR THE
EASTERN DISTRICT OF NORTH CAROLINA**
Western Division
Civil Action No. 5:24-cv-00699-M-KS

North Carolina Democratic Party,)
Plaintiff,)
v.)
North Carolina State Board of Elections,)
et al.,)
Defendants.)

)))))
CONSENT
**MOTION FOR EXTENSION OF
TIME TO FILE ANSWER OR
OTHERWISE RESPOND TO
FIRST AMENDED COMPLAINT**

NOW COME Defendants North Carolina State Board of Elections, Karen Brinson Bell, Alan Hirsch, Jeff Carmon, Stacy Eggers, IV, Kevin N. Lewis, and Siobhan O'Duffy Millen (collectively, the "State Board Defendants"), with consent of Plaintiff, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 7.3(j), to move this Court for an order to extend the time within which to file an answer or otherwise respond to Plaintiff's First Amended Complaint by twenty-one (21) days, up to and including February 3, 2025.

In support of this Motion, the State Board Defendants show the following:

1. Plaintiff filed its Complaint in this action on December 6, 2024 [D.E. 1] and served it on Defendants on December 11, 2024 [D.E. 24].
2. Judge Jefferson Griffin moved to intervene in the present matter on December 9, 2025. [D.E. 15]. The Court has not yet ruled on Judge Griffin's motion.
3. Plaintiff filed a First Amended Complaint on December 31, 2024. [D.E. 24].
4. Thus, pursuant to Rules 6(a)(1) and 15(a)(3), the deadline to respond to the First Amended Complaint is currently January 14, 2025.
5. Undersigned counsel for State Board Defendants requests an extension of twenty-

one (21) days to thoroughly consider the current status of this matter, the allegations made in the First Amended Complaint, determine the appropriate response, and prepare same.

6. Since December 31, 2024, undersigned counsel have been experiencing a heavy workload in several pending cases. They are the primary litigation attorneys for the North Carolina State Board of Elections. Together, or on teams with other attorneys in the North Carolina Attorney General's Office, they handle all the State Board's civil litigation, including emergency matters related to the November 2024 election. Mr. Steed's and Ms. Babb's work assignments have included and continue to include but are not limited to the following: drafting a response to a motion for a preliminary injunction (filed January 1, 2025), proceeding with an appeal to the U.S. Court of Appeals for the Fourth Circuit (filed January 6), drafting a motion for stay (filed January 7), and drafting an appellant's brief (due January 15) in *Griffin v. N.C. State Board of Elections*, Nos. 5:24-cv-00724 (E.D.N.C.), and 25-1018, -1019, -1024 (4th Cir.); proceeding with an appeal to the Fourth Circuit (filed January 6) and drafting a motion for stay (filed January 7) in *Griffin v. N.C. State Board of Elections*, Nos. 5:24-cv-00731 (E.D.N.C.), and 25-1020; drafting removal papers (filed January 2), proceeding with an appeal to the Fourth Circuit (filed January 6), drafting a motion for stay (filed January 7), drafting a response to a motion for a temporary restraining order and preliminary injunction (submitted January 10), and preparing for and participating in a hearing on the motion (held January 10) in *Kivett, et al., v. N.C. State Board of Elections, et al.*, Nos. 24CV041789 (Wake Sup. Ct.), 5:24-cv-00003 (E.D.N.C.), and 25-1021; drafting a motion to dismiss and supporting brief (filed January 2) in *Ortiz, et al., v. N.C. State Board of Elections, et al.*, No 5:24-cv-00420; drafting a response to a motion for stay (submitted January 6); preparing for a hearing (held January 7); drafting a proposed order (submitted January 13) in *Holland v. N.C. State Board of Elections*, No. 24CV041543 (Wake Co. Super. Ct.); and handling all aspects of

several cases filed in the North Carolina Office of Administrative Hearing regarding the imposition of civil penalties related to campaign finance reporting.

7. This is State Board Defendants' first request for an extension of the deadline to respond to Plaintiff's First Amended Complaint.

8. This motion is being made within the current deadline and is not being made for any improper purpose.

9. The undersigned believes that the extension of time is reasonable to accomplish the necessary steps described above.

10. The undersigned discussed this request with Plaintiff's counsel, Mr. Will Robertson, who provided his consent.

11. A proposed order granting State Board Defendants' Motion for Extension of Time is attached hereto, and a MS Word version of that proposed order is being emailed to the presiding judge's staff using the following address: Documents_Judge_Myers@nced.uscourts.gov.

WHEREFORE, State Board Defendants respectfully request the Court for an order extending the time within which to file an answer or otherwise respond to Plaintiff's First Amended Complaint, up to and including February 3, 2025.

Respectfully submitted this the 13th day of January, 2025.

N.C. DEPARTMENT OF JUSTICE

/s/ Mary Carla Babb
Mary Carla Babb
Special Deputy Attorney General
N.C. State Bar No. 25731
Email: mcbabb@ncdoj.gov

Terence Steed
Special Deputy Attorney General

N.C. State Bar No. 52809
Email: tsteed@ncdoj.gov

North Carolina Dept. of Justice
Post Office Box 629
Raleigh, North Carolina 27602
Tele No.: (919) 716-6573
Fax No.: (919) 716-6763

Counsel for State Board Defendants